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OFFICE OF PETITIONS

In re Patent No. 6,561,084
Issue Date: May 13, 2003 :
Application No. 09/944,976 : DECISION ON PETITION
Filed: August 31, 2001 :
Patentee: Richard Kenneth Lane :

This is a decision on the petition under 37 CFR 1.378(b), filed February 15, 2011, to accept the unavoidably delayed payment of the maintenance fee for the above-identified patent.

The petition under 37 CFR 1.378(b) is **DISMISSED**.

The above-identified patent issued May 13, 2003. Accordingly, the first maintenance fee could have been paid during the period from May 13, 2006 through November 13, 2006 without surcharge, or with a late payment surcharge during the period from November 14, 2006 through May 13, 2007. No maintenance fee having been received, the patent expired on May 14, 2007.

37 CFR 1.378(b) provides that:

Any petition to accept an unavoidably delayed payment of a maintenance fee must include:

- (1) The required maintenance fee set forth in 37 CFR 1.20(e) through (g);

(2) The surcharge set forth in 37 CFR 1.20(i)(1); and

(3) A showing that the delay was unavoidable since reasonable care was taken to ensure that the maintenance fee would be paid timely and that the petition was filed promptly after the patentee was notified of, or otherwise became aware of, the expiration of the patent. The showing must enumerate the steps taken to ensure timely payment of the maintenance fee, the date and the manner in which patentee became aware of the expiration of the patent, and the steps taken to file the petition promptly.

The instant petition does not meet requirement (1) above.

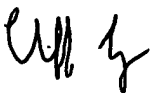
Petitioner has not submitted the required maintenance fee and surcharge, and as such, no consideration of the petition will be made on the merits. Petitioner referenced the submission of a credit card payment form to cover the required fees. However, the Office did not receive this form with the petition.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Mail Stop Petitions
 Commissioner for Patents
 P.O. Box 1450
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By FAX: (703) 872-9306
 Attn: Office of Petitions

Telephone inquiries specific to this decision may be directed to the undersigned at (571)272-3207.



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